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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denny Jaeger

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Examiner: Hauh Nguyen

Serial No. 09/670,610

FEB 18 2004

Filed 09/26/2000

For: Touch Sensor Control Devices

OFFICE OF PETITIONS

Group Art Unit: 2676

Docket 4143

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 24 2004

Technology Center 2600

PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO F.R.C.P. §1.181

This Petition is respectfully submitted to revive an allegedly abandoned application above identified.

On January 28, 2004, the PTO issued a "Notice of Abandonment", stating that the application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 09 January 2003."

This Notice of Abandonment was obviously sent out in error for the following reasons:

On January 9, 2003, the examiner, Hauh Nguyen, issued an Office Action in which certain claims were allowed and other claims rejected solely on the grounds that they were dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Applicant, well within the statutory period for response, filed an Amendment, included a transmittal form, a fee transmittal form, a check for \$135.00, because of the addition of independent claims, and sent the material to the Patent Office on February 20, 2003. Copies of all the above material, including the United States Post Office Express Mail receipt is enclosed, as well as a postcard acknowledgment dated February 20, 2003 from the United States Patent and Trademark Office.

Applicant's check number 24257 for \$135.00 has also been paid to the Patent Office and a copy of both

the front and reverse side of the check is also enclosed, indicating the cashing of the check by the Commissioner of Patents.

From this material, it is clear that Applicant timely responded to the Office letter of January 9, 2003 and that the Patent Office not only received the documents, but acknowledged such receipt by both the postcard and the fact that the check was cashed and cleared.

It is accordingly requested that this application be reinstated and that a further action on the merits of the case be sent out.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137(a) or (b) and any charges or fees in connection with the same may be charged to Applicant's account in the United States Patent Office, No. 26-0265.

As stated above, copies of all the relevant documents referred to above, including the Amendment which was submitted by Applicant's counsel on February 20, 2003 are enclosed.

Dated: February 13, 2004

Respectfully submitted,

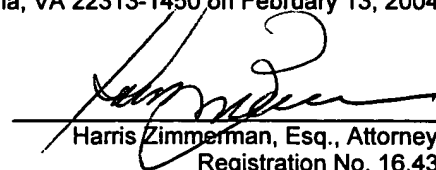


Harris Zimmerman
Registration No. 16,437
1330 Broadway, Suite 710
Oakland, California 94612
(510) 465-0828

Attorney for Patentee

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Date: February 13, 2004



Harris Zimmerman, Esq., Attorney for Patentee
Registration No. 16,437

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February 20, 2003
dkt 4143

re: Pat Appln No. 09/670.610 (Jaeger et al); amendment, transmittal form, fee transmittal, check for \$135.00

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HARRIS ZIMMERMAN
ATTORNEY AT LAW
1330 BROADWAY
OAKLAND, CALIFORNIA 94612
(510) 465-0828

EXPLANATION
Sum# 09/16/2004 Legal - Case No. 24257 Commencement

11-4288/1210(2)
24257

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/670.610
	Filing Date	09/26/2000
	First Named Inventor	Jaeger
	Art Unit	2674
	Examiner Name	Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	4143

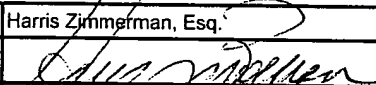
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks other enclosures: return receipt postcard		

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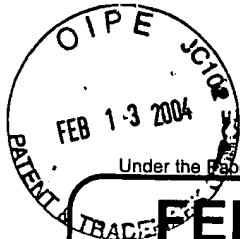
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Harris Zimmerman, Esq.
Signature	
Date	

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 2/20/03 Express Mail	
Typed or printed	Harris Zimmerman, Esq.
Signature	
Date	02/20/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1-2 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 135.00

Complete if Known

Application Number	09/670.610	RECEIVED
Filing Date	09/26/2000	
First Named Inventor	Jaeger	FEB 18 2004
Examiner Name	Nguyen	OFFICE OF PATENTS
Art Unit	2674	
Attorney Docket No.	4143	

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

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Account
Number
Deposit
Account
Name

26-0265

Harrus Zimmerman

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	27 - 20** = 7	0 x 0.00 = 0	0
Multiple Dependent Claims	19 - 3** = 16	16 x 9.00 = 144	144

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 135.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

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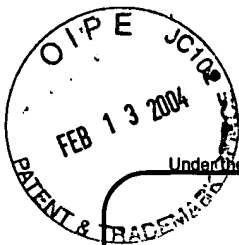
SUBMITTED BY

Name (Print/Type)	Harris Zimmerman	Registration No. (Attorney/Agent)	16,437	Telephone	510.465.0828
Signature		Date	02/20/2003		

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/670,610
	Filing Date	09/26/2000
	First Named Inventor	Jaeger
	Art Unit	2676
	Examiner Name	Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	4143

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ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO Reply Card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks Attachments to the Petition include copies of the Amendment (originally filed on February 20, 2003), Transmittal Form, Fee Transmittal Form, cancelled check, Express Mail receipt and Return Postcard	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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Date	February 13, 2004

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Typed or printed name	Jennifer L. Lynx
Signature	
Date	February 13, 2004

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